

**MINUTES**  
**BERRYVILLE TOWN COUNCIL & CLARKE COUNTY BOARD OF SUPERVISORS**  
**Berryville-Clarke County Government Center**  
**Joint and Regular Meeting**  
**December 11, 2018**  
**6:30 p.m.**

**Town Council:** Present-Patricia Dickinson, Mayor; Harry Lee Arnold, Jr., Recorder; Donna Marie McDonald; Diane Harrison; Erecka Gibson; Kara Rodriguez

**Staff:** Keith Dalton, Town Manager; Christy Dunkle, Planner/Assistant Town Manager; Chief of Police W. Neal White; Lisa Larrick, Town Clerk

**Board of Supervisors:** David S. Weiss, Chairman, Barbara J. Byrd, Terri T. Catlett, Mary L.C. Daniel, Beverly B. McKay

**Staff:** David Ash, County Administrator, Brandon Stidham, Director of Planning, Lora Walburn, Deputy Clerk, Brianna Taylor, Administrative Assistant

**Press:** Mickey Powell, The Winchester Star, Bria Lloyd, WDVM

1. Call to Order

Patricia Dickinson, Mayor called the Town Council to order at 6:31 p.m.

David Weiss, Chairman called the Board of Supervisors to order at 6:31 p.m.

2. Discussion

Southeast Collector Road:

Chairman Weiss expressed the Board's pleasure to meet with Town Council to discuss the transportation study for the southeast collector road.

Keith Dalton, Berryville Town Manager, provided an overview. Highlights include:

- In 1992, the Town and County entered into the Berryville Area Plan.
- Displayed land use map reflecting collector roads for each quadrant:
  - Mosby Boulevard, northwest collector, completed with Battlefield Estates.
  - Hermitage Boulevard, southwest collector, built as part of the Hermitage development.
  - Fairfax Street, northeast collector, will be completed when either the Fellowship Square property or the Shenandoah Crossing property develops.
  - Jack Enders Boulevard, southeast collector:
    - Developed in two pieces.
    - First half developed by the County; was accepted into the State road system.
    - Second half also developed by the County, is the last portion before the railroad tracks.
    - Many issues to be resolved before the public bodies can move forward.

- Per Norfolk Southern Railroad, to install an at-grade railroad crossing, one or more at-grade crossings in the County must be eliminated to secure permission to add on Jack Enders.
- Staff drafted a transportation study scope to provide guidance on how to move forward.
  - Staff suggesting procuring a transportation engineer to evaluate how and where the southeast collector should be constructed.
  - Summary provided of key issues.
  - Determine Norfolk Southern's requirements for at-grade crossing, process, and costs.
  - Determine traffic impacts of the proposed project concepts on the existing road network.
  - Determine traffic impact of the proposed project concepts on existing roads in downtown Berryville.
  - Determine impact on truck traffic.

Mayor Dickinson called for questions on general concept, project management, and project funding.

Chairman Weiss commented that the Supervisors have discussed working with the Northern Shenandoah Valley Regional Commission to select a transportation engineer from a firm that has been thoroughly vetted by NSVRC eliminating the need for an RFP. The County / Town would manage the project utilizing one of the firms that are under contract with NSVRC. Chairman Weiss opined that from the Supervisors' perspective it was a study that could be handled by staff with oversight from the public bodies.

David Ash provided that there were 14 firms under contract.

Keith Dalton stated that staff developed the \$50,000 estimate for the study, which they could not guarantee; however, he assured that staff would bear the budget in mind when negotiating.

Keith Dalton speculated that if approved tonight staff could begin discussions with firms mid-January.

Chairman Weiss confirmed for Mayor Dickinson that the County has \$25,000 in it FY2019 contingency to cover its half of the estimated cost.

Mayor Dickinson speculated that the project could begin sooner if County funds were used to begin the project; and, after the Town's budget went into effect, the Town could pick up the second half.

Chairman Weiss, on behalf of the Supervisors, said that the project had lingered and waiting six additional months for the Town's funding was not ideal. He opined that the Supervisors would be prepared to cover costs up to \$25,000 noting that the firm would bill out as tasks were completed.

Chairman Weiss requested Robert Mitchell prepare a formal agreement between the Supervisors and Council.

Mayor Dickinson asked for a proposed time frame from contract issuance to presentation of report.

Brandon Stidham indicated that it could be four to six months. He clarified that the firm would be asked to provide modeling and planning level estimates.

Supervisor Byrd interjected that this collector road has been discussed throughout her 18 years on the Board of Supervisors and has been an ever-changing palette. She encouraged moving forward with the study.

Supervisor Catlett commented that she liked the idea of working with a professional to review safety and traffic impact on downtown Berryville.

Supervisor Daniel added that there was nothing to be gained by delay.

Councilor McDonald concurred with previous statements about further project delays. She opined that proper information was needed to determine the best course of action. She also agreed with earlier comment by Supervisor Byrd that it might be determined that the project was not feasible.

Recorder Arnold remarked that the matter had been on the books for a long time and the time was right to move forward to determine what could be done. He noted the potential to expand tax revenue that such a project might bring.

Councilor Harrison expressed her agreement with other Council members.

Councilor Rodriguez put forth that the project had many benefits including economic development, public safety, and transportation; and, it was time to move forward. She asked for additional information about Norfolk Southern's requirements for railroad crossing.

Keith Dalton explained that when the process began Norfolk Southern wanted to see abandonment of two existing, at-grade crossings for the County to get a new at-grade crossing. He speculated that this was to reduce clutter on the rail. He assured the Council and Board that the railroad would be contacted during the study.

Chairman Weiss added that Norfolk Southern was contacted six to eight months ago; and, its answer was the same, closings of two existing, at-grade crossings. He further noted that the closings and upgrades are at the localities' cost.

Keith Dalton put forth that the cost would be significant.

Supervisor Byrd asked about the crossing on Smallwood Lane.

Keith Dalton explained that it was a public road; but, in reality because of its small size, the road would have to be upgraded as well as the signalization. He also cautioned that stacking could be an issue.

Councilor Gibson stated that she supported the transportation study.

Chairman Weiss clarified that while this was a good step forward it was a very small step and he could not state enough the difficulties the Town and County would encounter to bring this effort to fruition. He opined that the length of time it has taken to move this forward is not an issue of neglect but rather a matter of very serious obstacles as well as high cost.

Mayor Dickinson concurred adding that if it was not started it would never finish. She put forth that the industrial park was a key to economic development but she could not see expanding the industrial park without the addition opining that the Town could not tolerate that much commercial traffic without the extension.

Councilor McDonald asked if there was any general idea of how this would affect residents in the proposed area.

Keith Dalton responded that there were many residents in this broad study area and there would certainly be property owners that were affected. He explained that the core of the study was to look at various aspects of how the road and any number of ways, configurations affect the residents in the study area.

Supervisor Byrd noted the following from the proposal:

*Staff proposes that:*

- *out of pocket costs be shared equally between the Town and County*
- *Town and County staff would share equally in work load*
- *the Town would agree to be the fiscal agent for the project*
- *the County would be responsible for provision of required mapping information*
- *the Town Planner would serve as project manager.*

Chairman Weiss responded that he believed this was a reasonable approach; and while the Town and County were partners, the project was within the Town.

Keith Dalton added that the County Planner had done more of this type work than others and the Town would also be leaning on him for assistance.

Supervisor Daniel expressed her appreciation for the hard work of Town and County staff on this project opining that if this was what staff considered best it made sense to her.

Keith Dalton asked how the County wanted to proceed for if a memorandum of understanding was preferred it could be before Council January 8 and the Supervisors on January 15 depending on the availability of Robert Mitchell, Town and County attorney.

Mayor Dickinson requested clarification on when to make the motion.

Keith Dalton responded that adoption of the memorandum of understanding would be the action, which could be done at the individual meetings of the bodies.

Chairman Weiss expressed the Supervisors' appreciation to Town Council for its collaboration and to staff for the work performed.

Mayor Dickinson added that she believed this was a great opportunity to move both the Town and County forward.

Supervisor Byrd asked if a motion was needed to determine order for memorandum of understanding first or contacting Northern Shenandoah Valley Regional Commission.

Chairman Weiss responded that according to Mr. Dalton when each body reviews and approves the memorandum of understanding it would free staff to contact the Regional Commission and begin the process.

Supervisor Daniel asked if it would be appropriate to have a motion to pursue a memorandum of understanding to free staff to move sooner.

Keith Dalton responded that as long as both bodies were directing staff to pursue a memorandum of understanding it was all the action staff needed. Further, staff would not act until both bodies approved the memorandum of understanding.

Mayor Dickinson requested clarification that the memorandum of understanding would make it clear that the County pays for the first half of the study and the Town pays for the second half.

Keith Dalton responded in the affirmative.

Mayor Dickinson and Chairman Weiss agreed that there was consensus from both bodies to proceed with a memorandum of understanding to conduct a transportation study.

Note: Joint Meeting Minutes Transcribed by Lora Walburn, Deputy Clerk to Board of Supervisors

3. Adjourn  
**There being no other business, upon motion of Council member Rodriguez, seconded by Council member McDonald, the joint meeting was adjourned at 7:08 p.m.**
4. Pledge of Allegiance
5. Approval of Town Council Agenda  
**On motion of Council member Harrison, seconded by Council member McDonald, the agenda was approved.**

**The roll call vote was as follows:**

**McDonald - Aye  
Harrison – Aye  
Gibson – Aye  
Rodriguez – Aye  
Arnold – Aye  
Dickinson – Aye  
Absent – none**

6. Public Hearing  
No public hearing was held.
7. Citizens' Forum  
There were no citizen speakers.
8. Consent Agenda  
**The Consent Agenda was approved, on motion of Council member Rodriguez, seconded by Council member Harrison. The items approved on the Consent Agenda were:**

**Minutes of Regular Meeting – 11/13/18**

**Minutes of Personnel, Appointments, and Policy Committee – 11/14/18**

**Minutes of Public Safety Committee – 11/28/18 – Mayor Dickinson noted a minor typo on Page 3 of 2018 instead of 2019**

**The roll call vote was as follows:**

**McDonald - Aye**

**Harrison – Aye**

**Gibson – Aye**

**Rodriguez – Aye**

**Arnold – Aye**

**Dickinson – Aye**

**Absent – none**

9. Report of Patricia Dickinson, Mayor  
Mayor Dickinson advised Council that the WWI Centennial Committee had its last meeting and was disbanded. She stated the final item on the Committee's agenda was to create a perpetual plaque for the Veteran of the Year award which would be approximately 12" by 16" in size. Mayor Dickinson said the Committee had suggested placing the plaque in Council Chambers. Recorder Arnold asked if a better place would be in the lobby. Mr. Dalton said he had spoken with Mr. Ash about the waiting area and placement will be discussed at the Building Committee meeting. Mr. Dalton asked when the plaque would be available. Mayor Dickinson said hopefully within the next few weeks.
10. Report of Harry Lee Arnold, Jr., Recorder  
Recorder Arnold advised Council that Mr. Dalton was sending out acknowledgments for all the work done during the Ground Reservoir Renovation Project. Recorder Arnold said this was a challenging project taking over seven months. He recognized the Staff with the Public Works and Public Utilities Departments who worked overtime as well as working in 24-hour shifts. Recorder Arnold recognized the following organizations that helped in this project:
  - Clarke County Emergency Services; Clarke County Sheriff's Office – Deputies and Dispatchers;
  - John H. Enders Volunteer Fire Company and Rescue Squad;
  - Boyce Volunteer Fire Company and Rescue Squad; and
  - Blue Ridge Volunteer Fire Company and Rescue Squad

Recorder Arnold thanked the Sheriff's Department for the two donated radios installed in the Public Works vehicles that allowed Staff direct communication with fire and rescue to quickly address any problems.

Recorder Arnold said he wanted to make it a part of the official record acknowledging these organizations and individuals on a job well done on a very difficult task.

Mr. Dalton stated that everyone did a great job during this time, and he wanted to thank Mr. Ernest Bussert for his attention and help on this project, especially on the break in the transmission line between the water plant and Town which was fixed quickly.

Recorder Arnold advised Council that Berryville Main Street (BMS) had discussions about updating the Hotel Feasibility Study that was done in 2013. He stated that the Economic Vitality Committee of BMS has been working on the project and are seeking funding from the Clarke County Industrial Development Authority (IDA). He said that BMS would like to have the support of the Council for the Hotel Feasibility Study. He noted that in the June 5, 2017 work session the hotel study was discussed as one of the economic development goals.

Recorder Arnold recognized Bill Waite of BMS. Mr. Waite advised Council that BMS had sought funding from the IDA to update the Hotel Feasibility Study for a facility downtown to draw more people downtown. He said BMS had quotes from three consultants that came in between \$9,000.00 and \$11,000.00 range and BMS will be meeting to determine which quote to accept. Mr. Waite said BMS would appreciate everyone's support on this project.

Mayor Dickinson asked when the study would be completed. Mr. Waite said BMS will be discussing this with the IDA in January and then put out the final RFQ. He said it could take approximately 6 to 8 weeks but would depend on availability of start dates.

Recorder Arnold said that since this was a draft letter, he would like for the Town Manager to be authorized, if needed, to address the letter to the IDA or someone else. There was no objection by Council.

**Council Member Arnold moved that the Council of the Town of Berryville authorize the Town Manager to send the attached letter of support for the update of the Hotel Feasibility Study by Berryville Main Street.**

**Council member Rodriguez seconded the motion.**

**The roll call vote was as follows:**

**McDonald - Aye**

**Harrison - Aye**

**Gibson - Aye**

**Rodriguez - Aye**

**Arnold - Aye**

**Dickinson - Aye**

**Absent - none**

11. Report of Christy Dunkle, Assistant Town Manager/Planner

Ms. Dunkle advised she had one action item, a \$15,000.00 bond for a sidewalk to be completed in twelve (12) months. Ms. Dunkle stated that there are two single family lots in front of the assisted living facility and at the time of the site plan review, it was discussed that the owner would be selling or building on them and the sidewalk would be completed at that time. Ms. Dunkle said that the owner has decided, at least for now, it is not going to move ahead and therefore she has requested the owner extend the sidewalk.

Ms. Dunkle updated Council that the last pieces of the development were coming through and the permanent generator was supposed to come in today for the facility.

Mayor Dickinson asked if the sidewalk was holding up the certificate occupancy. Ms. Dunkle stated no and advised that the Building Department had not issued a certificate of occupancy as the permanent generator had not been installed. Mayor Dickinson asked when the certificate of occupancy would be issued. Ms. Dunkle said she did not have that information.

Council member Gibson asked if this would connect the existing sidewalk for the property at the corner of Mosby and Jackson. Ms. Dunkle stated no and indicated this may have occurred before sidewalk requirements were in place. Ms. Dunkle said sidewalk gaps could be connected using VDOT revenue sharing funds.

Mayor Dickinson asked if the Town would need to do easements to connect the two pieces. Ms. Dunkle and Mr. Dalton stated the sidewalk is likely located in the right of way and easements may not be necessary.

Mayor Dickinson feels the Town should put in the remaining portion of the sidewalk. Ms. Dunkle said it has to be done incrementally throughout the Town. Mr. Dalton said the Town has found that revenue sharing is the best avenue as its relatively simple and quick. Mr. Dalton stated that VDOT will look at the estimate for work, cover half of the costs and administer the project. Ms. Dunkle said that Page Street is a good example of a revenue sharing project, connecting Fairfax and Liberty. Mr. Dalton said another avenue is TAP funds which is an 80/20 match. He stated these would be the two options the Town looks into to fill the sidewalk gaps.

Recorder Arnold asked if it should be completed in six months instead of twelve (12) months. Mr. Dalton stated he felt it would take approximately twelve (12) months.

**Council Member Arnold moved that the Council of the Town of Berryville approve a bond in the amount of \$15,000 in order to construct a sidewalk within the next twelve (12) months on the parcels identified as Tax Map Parcel numbers 14A7-((14))-1A and 14A7-((14))-1B, zoned DR-4 Detached Residential.**

**Council member Harrison seconded the motion.**

**The roll call vote was as follows:**

**McDonald - Aye  
Harrison – Aye  
Gibson – Aye**



Rodriguez – Aye  
Arnold – Aye  
Dickinson – Aye  
Absent – none

12. Report of Keith Dalton, Town Manager

Mr. Dalton advised that when Council set up its regular committee and work session schedule, the work session was set for the first Monday of the month at 3:00 p.m. He said one member has found 3:00 p.m. to be problematic and asked if the time could be changed to 4:30 p.m. Mayor Dickinson asked if there were any objections and there were no objections. The work session time was changed to 4:30 p.m.

13. Report of Erecka Gibson - Chair, Budget and Finance Committee

Council member Gibson stated the next meeting would be on January 24, 2019 at 10:30 a.m. Council member Gibson had nothing additional to report.

Mayor Dickinson asked about the status of the procurement policy corrections. Mr. Dalton said he believed the plan was to have those ready for the January meeting. Council member Gibson said she didn't recall a specific action for this only that it would be discussed at the next meeting. Mr. Dalton asked if would be okay if Staff tried to have something for the January meeting and there was no objection.

Mayor Dickinson asked if the additional on-line payment information was available. Mr. Dalton asked for clarification on the additional information. Council member Gibson said the Committee did not specify what the additional information was, but if there was additional information it may answer some of Mayor Dickinson's questions and request for an RFP. Council member Gibson said she and Council member Rodriguez were okay without an RFP. Mr. Dalton said he would speak with Staff and get the information to the Committee.

14. Report of Kara Rodriguez - Chair, Community Development Committee

Council member Rodriguez stated the Committee did not meet in November but was meeting tomorrow, December 12, 2018 at 4:30 p.m. and Mr. Capelli from the County would be there to discuss the Town/County MOU. Council member Rodriguez welcomed Kelsey Cakes to the business community and encouraged everyone to go. Council Member Rodriguez said that all the holiday festivities were great.

Recorder Arnold advised he had been involved when the MOU was initially done, that the Town was to appropriate money but has never done so, and that the Committee needs to take that inconsideration.

Mayor Dickinson asked about the status of the Rose Hill Park site plan that was due in November. Mr. Dalton said Staff had gotten the draft, revised the draft, and submitted it to the surveyor but has not received a revised plan.

Mayor Dickinson asked if the Livery stable and grant was still on track. Mr. Dalton said Staff was waiting for the interim Executive Director of BMS who had indicated he would be able to review in January.

Recorder Arnold said he didn't believe the review would happen in January because BMS is going through the hiring process for a permanent Executive Director and he felt it would be March or April before any work could be done on any grants.

Council member Harrison stated it was a first come first served type of grant which has an application deadline of May, 2019.

Mr. Dalton said he and Ms. Dunkle would try to help BMS with the grant.

Mayor Dickinson asked about the status of updating the photos and bios on the website. Mr. Dalton stated Staff had received all the photos and are waiting on three bios before updating.

Mayor Dickinson asked about the status of the agreement between the Battlefield HOA and Town regarding the Page Street median. Mr. Dalton said that Staff was looking to model this on what VDOT does. Mr. Dalton said Ms. Dunkle put together an agreement and it is voluminous. Mr. Dalton said that when Staff has some time, they want to pare it down before sending to Council for review. Mayor Dickinson asked if the median had been designed yet. Ms. Dunkle said she was not working on the design until the agreement was completed.

Recorder Arnold said that Council needs to prioritize its list of projects. He said that the Town has two Staff members working on these projects as well as the water and sewer project and collector road project which Mr. Dalton is taking the lead on. Recorder Arnold said the Town has to either hire more Staff or prioritize its projects because Staff cannot wrap up the smaller projects plus work on the big projects. He said Council has discussed prioritizing goals and if its the water and sewer project then Council needs to vote to get it completed before moving onto something else. Recorder Arnold said he felt the water and sewer project was the priority.

Mayor Dickinson said she was only asking for a status. Recorder Arnold stated that Council gets status reports from Staff.

Council member McDonald said she would like to speak on behalf of the Battletown HOA and wanted to thank the Staff for looking at the document but not to move forward until time permits. Council member McDonald agrees with Recorder Arnold that Council has to pick two or three projects at most and let Staff work on those and catch up.

Recorder Arnold said that there is also the time line for the budget that requires a significant amount of work and will take care of the next three months or so.

Mr. Dalton advised that Staff was working on the water and sewer project and would be meeting on Thursday but would still need time to work on the project. He said that the Public Works building plans are taking time and the IFB needs to be done. Mr. Dalton advised that Staff will be shifting attention to the budget and he will be working a lot on the CIP and wanted Council to be aware of that.

15. Report of Donna McDonald – Chair Public Safety Committee

Council member McDonald said the Committee met on November 28, 2018. She said it was a productive but harried meeting because the Committee was trying to review Chapter 8 which

has a lot of parts as well as Chapter 20. She said the Committee did get a plan in place, but there are still a lot of things to discuss.

Council member McDonald said the Committee attempted to discuss Chapter 20 but did not get far. Council member McDonald suggested and the Committee agreed that it will flip Chapter 8 and Chapter 20 every month in order to work on these chapters properly.

Council member McDonald said Chief White gave an update on the mobile terminals. She thanked Chief White and his Department for all their work on the toy drive and the fantastic response.

Council member McDonald said the speed signs are up, word was getting around, and they seemed to be working well. Mr. Dalton advised the one East Main was not working. Chief White said he had received an alert that it was not syncing and he was going to look at it the next day.

Council member McDonald said that someone would have to lead the meeting in her absence on January 23, 2019 at 4:30 p.m. Council member Harrison agreed to lead the meeting.

16. Report of Diane Harrison – Chair, Streets and Utilities Committee

Council member Harrison advised that the Committee did not meet last month and the next meeting will be on January 22, 2019 at 10:30 a.m.

Recorder Arnold recognized Stephen Lilly who built a level sensor device that saved the Town \$600.00 stating it was very innovative and appreciated.

Mayor Dickinson asked about the status of the water tank maintenance. Mr. Dalton stated site work had not been completed because of weather and dropping temperatures.

Mayor Dickinson asked about the status of the VDOT traffic calming study. Ms. Dunkle stated she had contacted Terry Short and he had written that he would get back to her before the meeting tonight but had not done so.

Mayor Dickinson asked about the status of storm water management. Council member Harrison said that would be the Committee's main topic for its January meeting. She said the Committee will discuss the data summary but that it is not concrete and would only be a starting point for discussions. She said that the Committee has to separate out the flooding issues and continuing issues.

Mayor Dickinson asked about the status of a representative from Rappahannock Electric coming to the meeting in January. Council member Harrison said it was planned to have a representative at the January meeting. Mr. Dalton said he felt the Committee meeting on February 26, 2019 at 10:30 a.m. would be better for REC attendance and there was no objection.

Mayor Dickinson asked about the status of developing a form to be used by Public Works Staff for water leaks. Mr. Dalton stated it had not been worked on.

Council member McDonald asked what was now in place. Mr. Dalton advised Council what was in place now.

Mayor Dickinson said that the suggestion was made to have a form for use when Public Works goes to a resident's home for a leak investigation that the resident would sign and receive a copy which would make it easier to resolve any request for adjustment.

Council member McDonald said she agrees it is a good idea but not something to focus on now.

Recorder Arnold said he was not sure that written notes are appropriate and feels a follow up email would work better.

17. Report of Harry Lee Arnold, Jr. – Chair, Personnel, Appointment and Policy Committee  
Recorder Arnold said the Committee did meet and interviewed four people for the BADA opening who were all good candidates. He said the Committee recommended Thomas R. Parker, Jr. for appointment.

Council member Gibson said she had read the letters that went out to the candidates after the interviews and felt the letters were okay. She said the top two candidates could have gone either way as both were very good.

Recorder Arnold said he endorsed the letters and did not see any issues adding that he supported the letters. He said he does not believe a form letter is needed for everything, that the letter should be personalized to each person and feels Committee chairs can handle the letters.

**Recorder Arnold moved that the Council of the Town of Berryville appoint Thomas R. Parker, Jr. to the Berryville Area Development Authority for a three year term to begin December 31, 2018 and end on December 30, 2021.**

**Council member Gibson seconded the motion.**

**The roll call vote was as follows:**

**McDonald – Aye  
Harrison – Aye  
Gibson – Aye  
Rodriguez – Aye  
Arnold – Aye  
Dickinson – Aye  
Absent – None**

18. Other  
Mayor Dickinson stated there were openings on the Tree Board.

Mayor Dickinson asked about the status of the social media policy. Recorder Arnold said that had been discussed in a past Committee meeting and will be discussed at one of the upcoming meetings.

Recorder Arnold said Council needs to review and discuss the voting procedure. He said he feels the roll call vote is cumbersome and time consuming.

19. Closed Session

No closed session was held.

20. Adjourn

**There being no other business, upon motion of Council member Rodriguez , seconded by Council member Harrison, the meeting was adjourned at 8:30 p.m.**

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Harry Lee Arnold, Jr., Recorder

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Lisa Larrick, Town Clerk

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December 12, 2018

**DRAFT**

Mr. Nathan Stalvey  
President, Berryville Main Street  
Via email

Dear Nathan,

This letter is in regard to funding made available from the Clarke County Industrial Development Authority (IDA) to update a Hotel Feasibility Study originally completed in December, 2013. As you know, the Town received a USDA Rural Business Enterprise Grant to complete the study which was distributed to property owners and others interested in the effort. In discussions with private sector investors, it is apparent that the study needs to be updated in order for this to be used as a tool for the development of a hotel in Berryville. We are confident that the update of the study will only reinforce the need for such a facility in order to accommodate business and tourism efforts in the community.

Town Council fully supports the funding made available by the IDA for the update of the Hotel Feasibility Study. We would be happy to assist in the process once a consultant has been determined.

Sincerely,

Keith R. Dalton  
Town Manager

Cc: Town Council  
Christy Dunkle

Patricia Dickinson  
*Mayor*

Harry Lee Arnold, Jr.  
*Recorder*

*Council Members*

Donna Marie McDonald  
*Ward 1*

Diane Harrison  
*Ward 2*

Erecka L. Gibson  
*Ward 3*

Kara C. Rodriguez  
*Ward 4*

Keith R. Dalton  
*Town Manager*

**BERRYVILLE TOWN COUNCIL PERSONNEL COMMITTEE**  
**Berryville-Clarke County Government Center**  
**MINUTES**  
**November 14, 2018**

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A meeting of the Berryville Town Council Personnel Committee was held on Wednesday, November 14, 2018 at 9:00am in the Berryville – Clarke County Government Center located at 101 Chalmers Court in Berryville, Virginia.

**Attendance:** Members of the Committee present: Jay Arnold, Chair; Erecka Gibson; Pat Dickinson

Staff present: Christy Dunkle, Assistant Town Manager/Planner

Chair Arnold called the meeting to order at 9:00am.

**Approval of Agenda**

Ms. Gibson made the motion to approve the agenda as presented, the motion was approved by consensus.

**Closed Session**

Ms. Gibson moved that the Personnel, Appointments, and Policy Committee enter a closed session in accordance with §2.2-3711.A.1, Code of Virginia, for the purpose of interviewing prospective candidates for appointment to Town Council boards and commissions. Ms. Dickinson seconded the motion which carried as follows:

<b>Aye:</b>	<b>Arnold, Dickinson, Gibson</b>
<b>Nay:</b>	<b>None</b>
<b>Abstain:</b>	<b>None</b>
<b>Absent:</b>	<b>None</b>

The Personnel Committee entered closed session at 9:03am. At 11:16am, the members of the Personnel Committee being assembled within the designated meeting place in the presence of members of the public and media desiring to attend, the meeting reconvened. Ms. Dickinson read the resolution of certification and moved that the following Resolution Concerning Certification of the Closed Session be adopted.

**RESOLUTION**

WHEREAS, §2.2-3711.A.1 of the Code of Virginia requires a certification by this Council that such closed meeting was conducted in conformity with Virginia law.

NOW, THEREFORE, BE IT RESOLVED that the Council hereby certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed, or considered by the Council.

Ms. Gibson seconded the motion which carried on the following roll call vote:

<b>Gibson:</b>	<b>Aye</b>
<b>Dickinson:</b>	<b>Aye</b>
<b>Arnold:</b>	<b>Aye</b>

**Discussion – Recommendation for Appointment to Berryville Area Development Authority**

Ms. Gibson said she was impressed by all of the candidates. There was a discussion about ranking those interested in the BADA appointment. It was determined that the Committee would recommend Tom Parker to the BADA. Ms. Dickinson asked staff to contact Mr. Briggs and Ms. Brock to see if they may be interested in being appointed to the Tree Board. The Committee requested staff draft letters to each of the candidates informing them of the recommendation.

**Other**

There was no other discussion.

**Adjourn**

There being no further business, the meeting was adjourned at 11:23am.



**MINUTES  
BERRYVILLE TOWN COUNCIL  
PUBLIC SAFETY COMMITTEE  
Berryville-Clarke County Government Center  
November 28, 2018  
4:30 p.m.**

**Committee members:** Present - Donna McDonald, Chair; Patricia Dickinson, Diane Harrison

**Staff:** Keith Dalton, Town Manager; Christy Dunkle, Assistant Town Manager/Planner; Neal White, Chief of Police, Lisa Larrick, Town Clerk

**Press:** Mickey Powell, The Winchester Star

**Others:** George Archibald

1. **Call to Order**

The meeting was called to order at 4:33 p.m. by Committee Chair McDonald.

2. **Approval of Agenda**

Ms. Harrison made the motion to approve the agenda, seconded by Ms. Dickinson, the motion was approved by voice vote.

3. **Department Update**

The Committee and staff discussed the following topics:

- Chief White said the Police Department's Mobile Data Terminals (MDT) were received and now in service. He stated that the updated technology had shown a marked improvement in the software used in the vehicles.
- Chief white said the Police Department's toy drive is continuing and has experienced a tremendous response.
- Ms. Harrison asked about the status of the S. Buckmarsh speed sign and Chief White advised that the issue was the converter adding that has been ordered and a replacement should arrive soon.

4. **Town Code Review Update**

**Review of Chapter 8 Draft Code/Policy:**

Mr. Dalton reviewed the direction he had received from the Committee regarding the elements that need to be addressed in the revised code and related policies. He listed:

- Examine the elimination of multiple garbage toters at various occupancies within the Town, particularly those properties on which there is located commercial use
- Eliminate Town provided dumpsters
- Examine establishment of standards for issuance of garbage toters and recyclables bins
- Examine requiring commercial uses that can reasonably meet their own garbage removal needs to do so
- Examine requiring that all dumpsters visible from public rights-of-way be screened

- Update language to reflect current collection regimen

The Committee had no objections or additions.

The Committee and Staff discussed the following:

**Code:**

- The inclusion of water-based paints under the definition of hazardous materials. The Committee asked Staff for clarification on this definition.
- The definition of recyclables for commercial uses. The Committee asked Staff for further clarification on this definition.
- The need for the definition of Recyclable Materials to be qualified. The Committee asked Staff to look further at that definition.
- Section 8-3(b) is vague from an enforcement perspective. The Committee asked staff to include a 2-week time frame and how notice is given.
- The language in Section 8-6 does not seem to give an exemption to police. The Committee asked Staff to look at that language.
- That the time frame for the effective date in Section 8-7(b) should be a year so as to not put a hardship on and give the property owner (i) the ability to go through the process; (ii) have time to get the enclosure built; and (iii) consideration for time of year work is being done. That there are requirements for the enclosures and the cost of the enclosure was the responsibility of the property owner. That civil penalties with some sort of time frame needed to be included.
- What type of area qualifies for the term "special service areas" in Section 8-16.
- The Town is still recycling under Section 8-19, however what is being recycled is changing because of the world's market.
- Section 8-21(b) and (c) needs to have language added stating not to put containers on another neighbor's property.
- Section 8-22(a), (b), and (c) violations are rare occurrences and not a lot of violations are given. These sections are seen more as notification to an organization of any possible violations occurring.

Mr. Dalton advised the Committee that the basic concept was to make this a simple and standard structure. He said he would look over the questions and make the needed revisions.

Mr. Dalton asked the Committee to consider when the new chapter 8 would become effective. Ms. Dickinson stated she would want to see an implementation plan before putting in an effective date.

The Committee discussed Chair McDonald's concern that Johnson Williams, Mary Hardesty House, and Washington Square had to provide for their trash collection.

**Policy:**

- The definition of multi-family includes apartments (i.e. Crows Nest).
- An extra toter and cost for such should be included.
- The types of things that the Committee needs to consider in updating the policy such as if a contractor could conform to the Town's policy. The objective is to get the Code as simple as possible and put language in the policy to make it easier to change in the future.
- Identity of who a tax payer is and how to address this issue if a resident states he/she is a tax payer and why is he/she not getting garbage and refuse collection.

**Appendix 1:**

- The Town requiring the use of plastic bags and that residents can obtain biodegradable plastic bags.
- Inclusion of what types of plastics would not be collected under the recyclables section.
- Clarified the difference in Sections B.3 and B.4 regarding weight limits.

**Appendix 2:**

- How the term "Type of Use" should be applied.
- The maximum number of toters to be issued for garbage and refuse and the monthly cost of \$15.00 for additional toters.
- The options available to the residents and the maximum number of recyclable bins to be issued would be three.
- The intention of the decals is to give the Town the ability to identify who the toter belongs to and identify the collection service schedule.

Mr. Dalton stated it was going to take time to get a policy in place as Council and legal counsel need to review and then work with the contractor.

Mr. Dalton asked the Committee to send him their comments to Appendix 3 and Appendix 4 and he will get the revisions to the Committee by January 23, 2019. Ms. Dickinson stated she wanted an implementation plan included.

Chair McDonald thanked Mr. Dalton for all his work on this matter.

**Review of Chapter 20 Draft Regulations for Special Events and Demonstrations:**

Chief White said that the draft regulations, which includes forms, had been revised by he, Ms. Dunkle and Mr. Dalton several times and was with the Town's attorney for review. Chief White said he has also had it reviewed by Brian Lichty.

Ms. Dickinson advised Committee and staff members that had not been involved from the very beginning that these regulations were fashioned and updated with regulations put in place by Charlottesville after its shooting incident.

Mr. Dalton advised the Committee that he wants Council to be comfortable with regulations before revising the code.

The Committee and Staff discussed the following:

- Including cigarette lighters under definition of open flame.
- The Committee was asked by Staff to review and consider the prohibited items listed to see if anything needed to be eliminated or included.
- The street closings time changing from 4:00 p.m. to 3:30 p.m.
- Setting the maximum length of time for street closings to 10 hours instead of eight hours.
- Changing the language "Town buildings" to "any entrance."
- The language for event duration, time of day restrictions, and food and beverage in Rose Hill Park.
- Revising the language for table, stand and structure size.
- Having sufficient public safety personnel coverage for an event.

Mr. Dalton said he would like the Committee to review a second time and then send to Council for review before working on the ordinance.

5. Closed Session

No Closed Session Scheduled

6. Other

Chair McDonald stated that in the future the Committee would cover only one project in a meeting given the time needed for discussions.

The Committee agreed that Chapter 20 would be discussed at the Committee's February meeting.

The next Committee meeting was set for January 23, 2019 at 4:30 p.m.

7. Adjourn

There being no further business, Ms. Dickinson made a motion to adjourn the meeting, seconded by Ms. Harrison, the motion passed by voice vote at 6:45 p.m.